

108TH CONGRESS  
1ST SESSION

# S. 1903

To promote human rights, democracy, and development in North Korea, to promote overall security on the Korean Peninsula and establish a more peaceful world environment, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2003

Mr. BROWNBACK (for himself and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To promote human rights, democracy, and development in North Korea, to promote overall security on the Korean Peninsula and establish a more peaceful world environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korean Free-  
5 dom Act of 2003”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

- Sec. 4. Purposes.
- Sec. 5. Definitions.

#### TITLE I—PROTECTING THE HUMAN RIGHTS OF NORTH KOREANS

- Sec. 101. Reports.
- Sec. 102. Reports by the United Nations.
- Sec. 103. Sense of Congress regarding religious persecution in North Korea.
- Sec. 104. Humanitarian and food assistance to North Koreans.

#### TITLE II—ACTIONS TO PROTECT NORTH KOREAN REFUGEES

- Sec. 201. Pursuit of first asylum policy.
- Sec. 202. Adoption of North Korean children by Americans.
- Sec. 203. Humanitarian parole.
- Sec. 204. North Korean status adjustment.
- Sec. 205. Temporary protected status.
- Sec. 206. S visa.
- Sec. 207. Weapons of Mass Destruction Informant Center.
- Sec. 208. Right to accept employment.
- Sec. 209. Funding for the United Nations High Commissioner for Refugees.
- Sec. 210. Funding for human rights organizations.

#### TITLE III—ACTIONS TO PROMOTE NORTH KOREAN DEMOCRACY

- Sec. 301. Radio broadcasting into North Korea.
- Sec. 302. Distribution of radios to North Koreans.
- Sec. 303. Sense of Congress regarding United States financial assistance designed to address conditions created by the economic and political system of North Korea.
- Sec. 304. Funding for entities that promote programs for democracy, good governance, and the rule of law.
- Sec. 305. Funding for entities that promote market economies.

#### TITLE IV—NEGOTIATIONS WITH NORTH KOREA

- Sec. 401. Sense of Congress regarding negotiations with North Korea.
- Sec. 402. Sense of Congress regarding trade sanctions and economic assistance.
- Sec. 403. Conditions for United States aid and other assistance.

#### TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Annual report.
- Sec. 502. Task force on North Korean criminal activities.

### 1 **SEC. 3. FINDINGS.**

2 Congress makes the following findings:

- 3 (1) The economies of North Korea and South
- 4 Korea are dramatically different. The 2002 per cap-
- 5 ita gross domestic product of North Korea is esti-
- 6 mated at \$1,000; in South Korea it is estimated at

1       \$19,400. North Korea's 2002 gross domestic prod-  
2       uct real growth rate is estimated at 1 percent, while  
3       South Korea's is estimated at 5.8 percent. North  
4       Korea's 2002 exports are estimated at  
5       \$915,000,000, while South Korea's are estimated at  
6       \$162,000,000,000.

7           (2) The health of the North Korean people as  
8       a whole is significantly worse than the health of the  
9       people of South Korea. The estimated infant mor-  
10      tality rate in 2002 in North Korea is 22.8 deaths  
11      per 1,000 live births, while in South Korea it is 7.6  
12      deaths per 1,000 live births. The estimated life ex-  
13      pectancy for babies born in 2002 is 3.5 years longer  
14      in South Korea than it is in North Korea.

15          (3) Nearly 1 North Korean child in 10 suffers  
16      from acute malnutrition, and 4 out of every 10 chil-  
17      dren are chronically malnourished, according to a  
18      United Nations-European Union survey in 2002.

19          (4) The differences in the economic perform-  
20      ance of North Korea and South Korea and the  
21      health of the people living in those countries cannot  
22      be accounted for by differences in land area or nat-  
23      ural resources.

24          (5) The people of the Korean peninsula are un-  
25      justly divided into 2 different countries, one of which

1 offers its citizens freedom, prosperity, and hope for  
2 the future, and one of which oppresses its people  
3 and threatens them with imprisonment, starvation,  
4 and death.

5 (6) The people of South Korea are able to exer-  
6 cise their basic rights, and in doing so have impres-  
7 sively created and sustained a peaceful, just, and  
8 prosperous society since the end of the Korean con-  
9 flict in 1953. The people of South Korea have main-  
10 tained and are continually improving upon this suc-  
11 cess.

12 (7) The people of North Korea deserve the  
13 same rights, freedom, and prosperity enjoyed by  
14 their relatives in South Korea, but the current Gov-  
15 ernment of North Korea has denied them those  
16 rights by—

17 (A) forbidding the exercise of free speech  
18 and religion;

19 (B) imprisoning citizens and their families  
20 in a system of prison and labor camps for exer-  
21 cising basic rights;

22 (C) mismanaging the economy and food  
23 production, with the result that millions of peo-  
24 ple are threatened with starvation;

1 (D) dismantling the national food system,  
2 with the result that the customary rules and ar-  
3 rangements by which people exchange labor for  
4 food are no longer in operation; and

5 (E) forbidding nearly all contact with the  
6 outside world.

7 (8) Many persons wish to flee North Korea but  
8 cannot do so because of the threat of arrest, impris-  
9 onment, and execution in North Korea and the  
10 threat of repatriation to North Korea if they are dis-  
11 covered in another country.

12 (9) North Koreans, including agents of the  
13 North Korean Government, have engaged in various  
14 criminal activities, including international trafficking  
15 in narcotics, arms, and persons.

16 (10) The North Korean Government has op-  
17 pressed its people by imprisoning, executing, or  
18 starving people for such crimes as “ideological diver-  
19 gence,” “opposing socialism,” and other  
20 “counterrevolutionary crimes.” An estimated  
21 200,000 people are imprisoned in North Korea for  
22 political reasons.

23 (11) The North Korean people are denied their  
24 right to self-determination by the dictatorship of  
25 Kim Jong Il.

1           (12) Estimates of the number of North Korean  
2       refugees living in China range from 100,000 to  
3       300,000 people.

4           (13) As many as 3,500,000 North Koreans  
5       have died from hunger or famine-related disease  
6       since 1994.

7           (14) South Korea accepted fewer than 3,000  
8       North Korean refugees for resettlement in South  
9       Korea between 1953 and 2002.

10          (15) Fewer than 100 North Koreans were  
11       granted public interest parole into the United States  
12       in each of 1998 and 1999.

13          (16) Korean unification under a peaceful, politi-  
14       cally free, market-oriented system could contribute  
15       to political stability and economic prosperity in  
16       northeast Asia and beyond.

17          (17) United States and world security, which is  
18       threatened by the production and export of weapons  
19       of mass destruction and related delivery systems,  
20       materials, and technologies by North Korea, will  
21       best be advanced by the establishment of freedom,  
22       democracy, and rights for the North Korean people.

23 **SEC. 4. PURPOSES.**

24       The purposes of this Act are—

1           (1) to declare that it is the policy of the United  
2 States—

3           (A) to end the development, sale, and  
4 transfer of weapons of mass destruction and re-  
5 lated delivery systems, materials, and tech-  
6 nologies in and from the Korean peninsula;

7           (B) to assist in the reunification of the Ko-  
8 rean peninsula under a democratic system of  
9 government; and

10          (C) to achieve respect for and protection of  
11 human rights in North Korea in accordance  
12 with United Nations conventions; and

13          (2) to take and encourage steps to implement  
14 this policy.

15 **SEC. 5. DEFINITIONS.**

16 In this Act:

17          (1) The term “Appropriate congressional com-  
18 mittees” means the Committee on Foreign Relations  
19 and the Select Committee on Intelligence of the Sen-  
20 ate and the Committee on International Relations  
21 and the Permanent Select Committee on Intelligence  
22 of the House of Representatives.

23          (2) The term “China” means the People’s Re-  
24 public of China.

1           (3) The term “North Korea” means the Demo-  
2       cratic People’s Republic of Korea.

3           (4) The term “North Koreans” means persons  
4       who are natives or citizens of North Korea.

5           (5) The term “political offenses” means crimes  
6       that are designed to prevent free speech, free exer-  
7       cise of religion, opposition to the government, free  
8       travel and movement, or other similar offenses.

9           (6) The term “Secretary” means the Secretary  
10      of Homeland Security.

11 **TITLE       I—PROTECTING       THE**  
12 **HUMAN   RIGHTS   OF   NORTH**  
13 **KOREANS**

14 **SEC. 101. REPORTS.**

15       (a) PRISON AND LABOR CAMPS.—

16           (1) CLASSIFIED REPORT.—Not later than 90  
17       days after the date of the enactment of this Act, the  
18       Secretary of State, in cooperation with the Central  
19       Intelligence Agency and other United States intel-  
20       ligence agencies, shall submit to the appropriate con-  
21       gressional committees a report in classified form on  
22       the North Korean prison and labor camp system.  
23       The report shall particularly focus on any prisons or  
24       labor camps that are used to house persons for polit-



1 ical offenses. The report shall include information  
2 on—

3 (A) offenses for which prisoners are sent to  
4 prison;

5 (B) torture;

6 (C) forced labor;

7 (D) medical experimentation;

8 (E) indoctrination and reeducation;

9 (F) executions; and

10 (G) the adequacy or inadequacy of food,  
11 water, and sanitation.

12 (2) UNCLASSIFIED REPORT.—No later than 30  
13 days after the date on which the report is submitted  
14 pursuant to paragraph (1), the President, in con-  
15 sultation with the appropriate congressional commit-  
16 tees, shall submit to Congress an unclassified  
17 version of the report. The report shall include un-  
18 classified satellite photography of any prisons and  
19 labor camps described in the report.

20 (b) DEFECTORS.—

21 (1) CLASSIFIED REPORT.—Not later than 90  
22 days after the date of the enactment of this Act, the  
23 Secretary of State, in cooperation with the Central  
24 Intelligence Agency and other United States intel-  
25 ligence agencies, shall submit to the appropriate con-

1 gressional committees a classified report describing  
2 all United States Government policies toward North  
3 Korean defectors and explaining the reasons for  
4 those policies.

5 (2) UNCLASSIFIED REPORT.—Not later than 30  
6 days after the date on which the report is submitted  
7 pursuant to paragraph (1), the President, in con-  
8 sultation with the appropriate congressional commit-  
9 tees, shall submit to Congress an unclassified  
10 version of the report. The report shall include infor-  
11 mation on—

12 (A) the number of North Korean defectors  
13 who have been identified;

14 (B) the countries or regions to which these  
15 defectors have fled;

16 (C) the estimated total number of North  
17 Korean defectors; and

18 (D) the reasons why the Department of  
19 State has never identified North Koreans, par-  
20 ticularly high level defectors, as a Priority 2  
21 group of special concern, as defined by the Sec-  
22 retary of State, for expedited consideration in  
23 the United States refugee program.

1 **SEC. 102. THE UNITED NATIONS.**

2 (a) IN GENERAL.—It is the sense of Congress that  
3 the people of the United States believe that the United  
4 Nations has a significant role to play in promoting and  
5 improving human rights in North Korea, and United  
6 States confidence in the United Nations will be enhanced  
7 if the United Nations deals aggressively with the issue of  
8 human rights in North Korea.

9 (b) REPORTS BY THE UNITED NATIONS.—It is the  
10 sense of Congress that the United Nations should begin  
11 preparation of complete reports on—

12 (1) the prison and labor camp system in North  
13 Korea, particularly those prisons and labor camps  
14 that are used to house persons for political offenses,  
15 including camps reportedly for children under the  
16 age of 17; and

17 (2) the North Korean refugee situation in  
18 China.

19 **SEC. 103. RELIGIOUS PERSECUTION IN NORTH KOREA.**

20 (a) COMMISSION ON INTERNATIONAL RELIGIOUS  
21 FREEDOM.—It is the sense of Congress that, not later  
22 than 1 year after the date of the enactment of this Act,  
23 the United States Commission on International Religious  
24 Freedom should hold extended informational hearings in  
25 the United States on the status of religious persecution  
26 in North Korea.

1 (b) COUNTRIES OF PARTICULAR CONCERN.—

2 (1) ANNUAL REPORT.—The President shall in-  
3 clude in each annual report on proposed refugee ad-  
4 mission pursuant to section 207(d) of the Immigra-  
5 tion and Nationality Act (8 U.S.C. 1157(d)), infor-  
6 mation about specific measures taken to facilitate  
7 access to the United States refugee program for in-  
8 dividuals who have fled countries of particular con-  
9 cern, as defined by the Secretary of Homeland Secu-  
10 rity, for violations of religious freedom pursuant to  
11 section 402(b) of the International Religious Free-  
12 dom Act of 1998 (22 U.S.C. 6442(b)).

13 (2) INFORMATION.—The information included  
14 in the annual report described in paragraph (1) shall  
15 include, for each country of particular concern, a de-  
16 scription of access of the nationals or former habit-  
17 ual residents of that country to a refugee determina-  
18 tion on the basis of—

19 (A) referrals by external agencies to a ref-  
20 ugee adjudication;

21 (B) groups deemed to be of special human-  
22 itarian concern to the United States for pur-  
23 poses of refugee resettlement; and

24 (C) family links to the United States.

1 **SEC. 104. HUMANITARIAN AND FOOD ASSISTANCE TO**  
2 **NORTH KOREANS.**

3 (a) REPORT ON UNITED STATES FOOD AID.—Not  
4 later than 180 days after the date of the enactment of  
5 this Act, the Director of the United States Agency for  
6 International Development shall submit to the appropriate  
7 congressional committees a report setting forth the fund-  
8 ing for, and use of Federal resources by, entities that are  
9 providing humanitarian or food aid to North Korea.

10 (b) FUNDING TO NONGOVERNMENTAL ORGANIZA-  
11 TIONS.—The Director of the United States Agency for  
12 International Development may provide financial assist-  
13 ance, including grants, to the World Food Program and  
14 any United States nongovernmental organizations that are  
15 able to—

16 (1) provide food aid and other humanitarian as-  
17 sistance to North Koreans; and

18 (2) demonstrate—

19 (A) a successful record of providing food  
20 aid to North Koreans; or

21 (B) the intent and capacity to provide such  
22 aid.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated \$100,000,000 for each  
25 of the fiscal years 2003, 2004, 2005, and 2006 for the  
26 purpose of carrying out this section.

1 **TITLE II—ACTIONS TO PROTECT**  
2 **NORTH KOREAN REFUGEES**

3 **SEC. 201. PURSUIT OF FIRST ASYLUM POLICY.**

4 It is the sense of Congress that—

5 (1) the United States guarantee safe haven and  
6 assistance to North Koreans who arrive in, or seek  
7 to arrive in, the United States; and

8 (2) because of such guarantee of safe haven  
9 and assistance, the United States encourage coun-  
10 tries that neighbor North Korea, including China,  
11 Japan, Russia, and South Korea to institute meas-  
12 ures similar to humanitarian parole, a form of tem-  
13 porary protected status, or refugee status consistent  
14 with the United Nations Convention Relating to the  
15 Status of Refugees of 1951 and the Protocol Relat-  
16 ing to the Status of Refugees of 1967 to guarantee  
17 safe haven and assistance to displaced North Kore-  
18 ans.

19 **SEC. 202. ADOPTION OF NORTH KOREAN CHILDREN BY**  
20 **AMERICANS.**

21 It is the sense of Congress that—

22 (1) thousands of North Korean children do not  
23 have parents and are threatened with starvation and  
24 disease if they remain in North Korea;

1           (2) thousands of United States citizens would  
2       welcome the opportunity to adopt North Korean or-  
3       phans; and

4           (3) the Secretary of Homeland Security should  
5       make every effort to facilitate the adoption of any  
6       North Korean children who are granted humani-  
7       tarian parole under section 203.

8   **SEC. 203. HUMANITARIAN PAROLE.**

9       (a) CASE-BY-CASE REQUIREMENT NOT APPLICA-  
10   BLE.—

11           (1) IN GENERAL.—The case-by-case basis and  
12       alien specific requirements of section 212(d)(5)(A)  
13       of the Immigration and Nationality Act (8 U.S.C.  
14       1182(d)(5)(A)) shall not be applicable to the parole  
15       of any alien who is a native or citizen of North  
16       Korea seeking entry to the United States.

17           (2) DISCRETION.—Nothing in this subsection  
18       shall be construed to prohibit the Secretary of  
19       Homeland Security from establishing conditions for  
20       parole under section 212(d)(5) of the Immigration  
21       and Nationality Act (8 U.S.C. 1182 (d)(5)), or from  
22       denying parole to such aliens who are otherwise in-  
23       eligible for parole.

24       (b) COMPELLING REASONS IN THE PUBLIC INTER-  
25   EST CONSIDERED TO EXIST.—For purposes of section

1 212(d)(5)(B) of the Immigration and Nationality Act (8  
2 U.S.C. 1182(d)(5)(B)), the parole of any alien who is a  
3 native or citizen of North Korea and is seeking to enter  
4 the United States shall be considered to be, for compelling  
5 reasons, in the public interest.

6 (c) LENGTH OF PAROLE.—

7 (1) IN GENERAL.—Notwithstanding section  
8 212(d)(5) of the Immigration and Nationality Act (8  
9 U.S.C. 1182(d)(5)), if parole is granted to an alien  
10 who is a native or citizen of North Korea, the parole  
11 shall be effective until the final resolution of any ap-  
12 plication for adjustment of status made pursuant to  
13 section 204.

14 (2) DENIAL OF ADJUSTMENT OF STATUS.—If  
15 an application for adjustment of status made pursu-  
16 ant to section 204 is denied to an alien described in  
17 paragraph (1), the alien may seek relief under sec-  
18 tion 207 or 208.

19 (3) EXTENSION OF PAROLE PERIOD.—If no ap-  
20 plication for adjustment of status is made pursuant  
21 to section 204 within 18 months after parole is  
22 granted to an alien described in paragraph (1), the  
23 Secretary of Homeland Security may, in the discre-  
24 tion of the Secretary, extend the parole period tem-



1       porarily under conditions that the Secretary of  
2       Homeland Security prescribes.

3           (4) NO GRANT OF PAROLE.—If parole is not  
4       granted to an alien described in paragraph (1), the  
5       alien may seek relief under section 207 or 208.

6       (d) SUBSEQUENT REMOVAL PROCEEDINGS.—Noth-  
7       ing in this section shall be construed to prohibit the Sec-  
8       retary of Homeland Security from instituting removal pro-  
9       ceedings against an alien paroled into the United States  
10      under this section for—

11           (1) conduct committed after the parole of the  
12      alien into the United States; or

13           (2) conduct or conditions that were not dis-  
14      closed to the Secretary of Homeland Security prior  
15      to the parole of the alien into the United States.

16       (e) NOTIFICATION TO WMDIC.—The Secretary of  
17      Homeland Security shall notify the Weapons of Mass De-  
18      struction Informant Center, described in section 207, of  
19      any alien receiving parole under this section who would  
20      otherwise qualify for the visa described in section  
21      101(a)(15)(S)(iii) of the Immigration and Nationality Act  
22      (8 U.S.C. 1101(a)(15)(S)(iii)).

23      **SEC. 204. NORTH KOREAN STATUS ADJUSTMENT.**

24           (a) STATUS ADJUSTMENT.—Notwithstanding section  
25      245(c) of the Immigration and Nationality Act (8 U.S.C.

1 1255(c)), the status of any alien who is a native or citizen  
2 of North Korea and has been inspected and admitted or  
3 paroled into the United States may be adjusted by the  
4 Secretary of Homeland Security, in the discretion of the  
5 Secretary and under such regulations as the Secretary  
6 may prescribe, to that of an alien lawfully admitted for  
7 permanent residence under the conditions set forth in sub-  
8 sections (b) and (c).

9 (b) NORTH KOREANS WITH KNOWLEDGE OF NORTH  
10 KOREA'S WEAPONS OF MASS DESTRUCTION PRO-  
11 GRAMS.—The status of any alien who is referred to the  
12 Weapons of Mass Destruction Informant Center in accord-  
13 ance with section 203(e), shall be immediately adjusted  
14 to that of lawful permanent resident.

15 (c) NORTH KOREANS WITHOUT KNOWLEDGE OF  
16 NORTH KOREA'S WEAPONS OF MASS DESTRUCTION PRO-  
17 GRAMS.—Except for those aliens described in subsection  
18 (b), adjustment of status may occur only if the Secretary  
19 of Homeland Security determines that the alien—

20 (1) did not enter the United States in a then-  
21 current capacity as an agent, representative, or offi-  
22 cial of the Government of North Korea, or for any  
23 purpose contrary to the purposes of this Act or for  
24 any unlawful purpose;

1           (2) is not, since entering the United States or  
2           at the time during which the application for adjust-  
3           ment of status is filed or in process, an agent, rep-  
4           resentative, or official of the Government of North  
5           Korea, or during such period acting for any purpose  
6           contrary to the purposes of this Act or for any un-  
7           lawful purpose;

8           (3) in the judgment of the Secretary of Home-  
9           land Security, is not likely to become an agent, rep-  
10          resentative, or official of the Government of North  
11          Korea, or act for any purpose contrary to the pur-  
12          poses of this Act or for any unlawful purpose; and

13          (4) has been physically present in the United  
14          States for at least 1 year.

15          (d) ADDITIONAL RELIEF.—Nothing in this section  
16          precludes an alien from seeking relief under section 208  
17          or 241(b)(3) of the Immigration and Nationality Act (8  
18          U.S.C. 1158 or 1231(b)(3)).

19          (e) AFFECT ON NUMBER OF AUTHORIZED VISAS.—  
20          The approval of an application for adjustment of status  
21          to that of lawful permanent resident under this section  
22          shall not result in a reduction in the number of visas au-  
23          thorized by the Immigration and Nationality Act (8  
24          U.S.C. 1101 et seq.).

1       (f) APPLICABILITY OF THE IMMIGRATION AND NA-  
2       TIONALITY ACT.—

3           (1) IN GENERAL.—Nothing in this section shall  
4       be construed to repeal or restrict the powers, duties,  
5       functions, or authority of the Secretary of Homeland  
6       Security in the administration and enforcement of  
7       the Immigration and Nationality Act (8 U.S.C. 1101  
8       et seq.) or any other Federal law relating to immi-  
9       gration, nationality, or naturalization.

10          (2) DEFINITIONS.—The definitions in sub-  
11       sections (a) and (b) of section 101 of the Immigra-  
12       tion and Nationality Act (8 U.S.C. 1101(a) and (b))  
13       shall apply to this section.

14          (3) SUBSEQUENT REMOVAL PROCEEDINGS.—  
15       Nothing in this section shall be construed to prohibit  
16       the Secretary of Homeland Security from instituting  
17       removal proceedings against an alien whose status  
18       was adjusted under subsection (a) for—

19            (A) conduct committed after such adjust-  
20       ment of status; or

21            (B) conduct or conditions that were not  
22       disclosed to the Secretary of Homeland Security  
23       prior to such adjustment of status.

1 **SEC. 205. TEMPORARY PROTECTED STATUS.**

2 (a) EXTRAORDINARY AND TEMPORARY CONDITIONS  
3 CONSIDERED TO EXIST.—

4 (1) IN GENERAL.—For purposes of section  
5 244(b)(1)(C) of the Immigration and Nationality  
6 Act (8 U.S.C. 1254a(b)(1)(C)), extraordinary and  
7 temporary conditions shall be considered to exist in  
8 North Korea that prevent aliens who are natives or  
9 citizens of North Korea from returning to North  
10 Korea in safety.

11 (2) TERMINATION OF PROTECTED STATUS.—  
12 The extraordinary and temporary conditions referred  
13 to in paragraph (1) shall be considered to exist until  
14 the Secretary of Homeland Security determines  
15 that—

16 (A) the human rights and trafficking  
17 records of North Korea, according to the Coun-  
18 try Report on Human Rights Practices issued  
19 by the United States Department of State, Bu-  
20 reau of Democracy, Human Rights, and Labor,  
21 and the Country Report on Trafficking issued  
22 by the Trafficking in Persons Office of the De-  
23 partment of State, are satisfactory; and

24 (B) North Korea is no longer on the list of  
25 nations designated as state sponsors of ter-

1           rorism by the United States Department of  
2           State.

3 **SEC. 206. S VISA.**

4           (a) EXPANSION OF S VISA CLASSIFICATION.—Sec-  
5 tion 101(a)(15)(S) of the Immigration and Nationality  
6 Act (8 U.S.C. 1101(a)(15)(S)) is amended—

7           (1) in clause (i)—

8                   (A) by striking “Attorney General” each  
9                   place that term appears and inserting “Sec-  
10                  retary of Homeland Security”; and

11                  (B) by striking “or” at the end; and

12           (2) in clause (ii)—

13                   (A) by striking “Attorney General” and in-  
14                   serting “Secretary of Homeland Security”; and

15                   (B) by striking “1956,” and all that fol-  
16                   lows through “the alien;” and inserting the fol-  
17                   lowing: “1956; or

18                   “(iii) who the Secretary of Homeland Se-  
19                   curity determines—

20                           “(I) is in possession of critical reliable  
21                           information concerning the activities of  
22                           governments or other organizations, or  
23                           their agents, representatives, or officials,  
24                           with respect to weapons of mass destruc-  
25                           tion, if such governments or organizations

1                   are at risk of using or exporting such  
2                   weapons; and

3                   “(II) is willing to supply or has sup-  
4                   plied, fully and in good faith, information  
5                   described in subclause (I) to appropriate  
6                   persons within the United States Govern-  
7                   ment;

8           and, if the Secretary of Homeland Security considers  
9           it to be appropriate, the spouse, married and unmar-  
10          ried sons and daughters, and parents of an alien de-  
11          scribed in clause (i), (ii), or (iii) if accompanying, or  
12          following to join, the alien;”.

13          (b) NUMERICAL LIMITATION.—Section 214(k)(1) of  
14          the Immigration and Nationality Act (8 U.S.C.  
15          1184(k)(1)) is amended by striking “The number of  
16          aliens” and all that follows through the period and insert-  
17          ing the following: “The number of aliens who may be pro-  
18          vided a visa as nonimmigrants under section  
19          101(a)(15)(S) in any fiscal year may not exceed 3,500.”.

20          (c) ADJUSTMENT OF STATUS.—Section 245(j) of the  
21          Immigration and Nationality Act (8 U.S.C. 1255(j)) is  
22          amended—

23                  (1) by striking “Attorney General” each place  
24                  that term appears and inserting “Secretary of  
25                  Homeland Security”;

1           (2) by redesignating paragraph (3) as para-  
2       graph (4);

3           (3) by inserting after paragraph (2) the fol-  
4       lowing:

5       “(3) If, in the sole discretion of the Secretary of  
6       Homeland Security—

7           “(A) a nonimmigrant admitted into the United  
8       States under section 101(a)(15)(S)(iii) has supplied  
9       information described in subclause (I) of that sec-  
10      tion; and

11          “(B) the provision of such information has sub-  
12      stantially contributed to the purposes of the North  
13      Korean Freedom Act of 2003;

14      the Secretary of Homeland Security may adjust the status  
15      of the alien (and the spouse, married and unmarried sons  
16      and daughters, and parents of the alien if admitted under  
17      such section) to that of an alien lawfully admitted for per-  
18      manent residence.”; and

19          (4) in paragraph (4), as so redesignated, by  
20      striking “Upon the approval of adjustment of status  
21      under paragraph (1) or (2),” and inserting “Upon  
22      the approval of adjustment of status under para-  
23      graph (1), (2), or (3),”.



1 **SEC. 207. WEAPONS OF MASS DESTRUCTION INFORMANT**  
2 **CENTER.**

3 (a) ESTABLISHMENT.—There is established within  
4 the Department of Homeland Security a Weapons of Mass  
5 Destruction Informant Center.

6 (b) RESPONSIBILITIES.—The Weapons of Mass De-  
7 struction Informant Center established under subsection  
8 (a) shall—

9 (1) have the primary responsibility of receiving  
10 voluntary information about weapons of mass de-  
11 struction and related delivery systems, materials,  
12 and technologies and the intent or actions of coun-  
13 tries to export such items or knowledge to other  
14 countries or non-state actors;

15 (2) ensure that informants—

16 (A) are given the highest consideration for  
17 visas described in section 101(a)(15)(S)(ii) of  
18 the Immigration and Nationality Act (8 U.S.C.  
19 1101(a)(15)(S)(ii)); and

20 (B) report all information related to the  
21 development or export of weapons of mass de-  
22 struction to senior officials at the Department  
23 of Homeland Security, the Central Intelligence  
24 Agency, and other relevant components of the  
25 intelligence community and at the Federal Bu-

1           reau of Investigations and other relevant com-  
2           ponents of the law enforcement community;

3           (3) educate consular officers regarding the visa  
4           classification described in section 101(a)(15)(S)(iii)  
5           of the Immigration and Nationality Act (8 U.S.C.  
6           1101(a)(15)(S)(iii));

7           (4) facilitate, receive, and evaluate visa requests  
8           for nonimmigrants described in such section  
9           101(a)(15)(S)(iii) in consultation with appropriate  
10          personnel both within and outside of the Department  
11          of Homeland Security;

12          (5) in the event the Weapons of Mass Destruc-  
13          tion Informant Center approves visa requests for  
14          nonimmigrants described in such section  
15          101(a)(15)(S)(iii), act in coordination with the Di-  
16          rector of the Bureau of Citizenship and Immigration  
17          Services and other appropriate government agencies  
18          to facilitate the issuance of such visas, including ad-  
19          ditional visas as are considered to be appropriate for  
20          the spouse, married or unmarried sons and daugh-  
21          ters, and parents of the alien whose request was  
22          granted;

23          (6) facilitate the cooperation of aliens who re-  
24          ceive such visas with the United States Government

1 in ways that further the purposes of the visa and the  
2 goals of this Act;

3 (7) ensure that aliens who receive such visas  
4 comply with the terms of the visa; and

5 (8) ensure that such visas are not utilized as a  
6 method of gaining entry into the United States for  
7 any purpose other than those outlined in this Act.

8 **SEC. 208. RIGHT TO ACCEPT EMPLOYMENT.**

9 Section 208(d)(2) of the Immigration and Nationality  
10 Act (8 U.S.C. 1158(d)(2)) is amended—

11 (1) by striking “Attorney General” and insert-  
12 ing “Secretary of Homeland Security”; and

13 (2) by adding at the end the following: “In the  
14 case of an applicant who is a citizen or native of  
15 North Korea, the Secretary of Homeland Security  
16 shall issue regulations under which such applicant  
17 shall be entitled to employment authorization, and  
18 such applicant shall not be subject to the 180-day  
19 limitation described in the previous sentence.”.

20 **SEC. 209. FUNDING FOR THE UNITED NATIONS HIGH COM-  
21 MISSIONER FOR REFUGEES.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that—

24 (1) the United Nations High Commissioner for  
25 Refugees (UNHCR) should monitor the situation of

1 North Korean refugees in China and provide assist-  
2 ance to those refugees;

3 (2) the Government of China should provide the  
4 UNHCR with access to any North Koreans inside  
5 its borders to enable the UNHCR to determine  
6 whether they are refugees and whether they require  
7 assistance, as required by Article III, paragraph 5 of  
8 the Agreement on the upgrading of the UNHCR  
9 Mission in the People's Republic of China to  
10 UNHCR branch office in the People's Republic of  
11 China signed at Geneva, December 1, 1995 (referred  
12 to in this section as the "UNHCR Mission Agree-  
13 ment");

14 (3) the Government of China should not pro-  
15 hibit such access by unilaterally declaring North Ko-  
16 reans inside of China to be "economic migrants";

17 (4) the UNHCR, in order to effectively carry  
18 out its mandate to protect refugees, should liberally  
19 employ as professionals or experts on mission per-  
20 sons with significant experience in humanitarian aid  
21 work among displaced North Koreans in China; and

22 (5) the UNHCR, in order to effectively carry  
23 out its mandate to protect refugees, should liberally  
24 contract with appropriate nongovernmental organi-

1        zations that have a proven record of providing hu-  
 2        manitarian aid to displaced North Koreans in China.

3        (b) ARBITRATION.—It is the sense of Congress that  
 4        should the Government of China fail to provide the  
 5        UNHCR full access to all North Koreans within its bor-  
 6        ders, the UNHCR should initiate arbitration proceedings  
 7        pursuant to Article XVI of the UNHCR Mission Agree-  
 8        ment and appoint an arbitrator for the UNHCR.

9        **SEC. 210. FUNDING FOR HUMAN RIGHTS ORGANIZATIONS.**

10        (a) GRANTS TO ENTITIES THAT ASSIST NORTH KO-  
 11        REAN REFUGEES.—

12                (1) IN GENERAL.—The Director of the United  
 13        States Agency for International Development may  
 14        make grants to nongovernmental, non-profit human  
 15        rights organizations or persons, or foreign govern-  
 16        mental organizations—

17                (A) that—

18                        (i) provide assistance to natives or  
 19                        citizens of North Korea who are attempt-  
 20                        ing to escape from North Korea or from  
 21                        agents of North Korea outside that coun-  
 22                        try; or

23                        (ii) establish or operate camps or re-  
 24                        settlement centers for North Korean refu-  
 25                        gees; and

1 (B) that can demonstrate—

2 (i) a successful record of providing the  
3 type of assistance to be funded; or

4 (ii) the intent and capacity to provide  
5 such assistance.

6 (2) TIME OF GRANTS.—A grant provided under  
7 this subsection may not exceed 3 years in duration.

8 (3) REPORTING REQUIREMENTS.—Each entity  
9 or person awarded a grant pursuant to this sub-  
10 section shall, not later than 1 year after the date the  
11 grant is awarded, submit a report to the Director re-  
12 garding the activities of, and use of funds awarded  
13 through such grant by, such person or entity during  
14 the previous year. Notwithstanding any other provi-  
15 sion of law, the contents of each such report shall  
16 not be revealed until 10 years after the date on  
17 which the report was submitted.

18 (b) GRANTS TO ORGANIZATIONS THAT ASSIST  
19 NORTH KOREAN ORPHANS.—

20 (1) QUALIFYING ORGANIZATIONS.—The Direc-  
21 tor of the United States Agency for International  
22 Development may make grants to nongovernmental  
23 organizations that—

24 (A) provide assistance to North Korean or-  
25 phans in any country; and

1 (B) can demonstrate—

2 (i) a successful record of providing as-  
3 sistance to North Korean orphans; or

4 (ii) the intent and capacity to provide  
5 such assistance.

6 (2) TIME OF GRANTS.—The grants provided  
7 under this subsection may not exceed 3 years in du-  
8 ration.

9 (3) REPORTING REQUIREMENTS.—Each non-  
10 governmental organization awarded a grant pursu-  
11 ant to this subsection shall submit an annual report  
12 to the Director not later than March 1 of each year  
13 regarding the activities of, and use of funds awarded  
14 through such grant by, such organization during the  
15 previous year.

16 (c) GRANTS TO ORGANIZATIONS FOR RESETTLE-  
17 MENT AND ADMISSIONS FOR NORTH KOREAN REFU-  
18 GEES.—

19 (1) IN GENERAL.—The Secretary of State may  
20 make grants to nongovernmental, nonprofit organi-  
21 zations or persons that—

22 (A) provide legal assistance to natives or  
23 citizens of North Korea who are applying for  
24 refugee status, parole, visas, or other means of  
25 admission to the United States; or

1 (B) can demonstrate—

2 (i) a successful record of providing  
3 similar assistance to other persons in the  
4 past; or

5 (ii) the intent and capacity to provide  
6 such assistance.

7 (2) REPORTING REQUIREMENT.—Each non-  
8 governmental organization awarded a grant pursu-  
9 ant to this subsection shall, not later than 1 year  
10 after the date the grant is awarded, and annually  
11 thereafter, submit a report to the Secretary of State  
12 regarding the activities of, and the use of funds  
13 awarded through such grants by, such organization  
14 during the previous year.

15 (d) GRANTS FOR HUMAN RIGHTS DIALOGUE.—The  
16 Secretary of State may make grants to nongovernmental  
17 organizations from the United States, South Korea, and  
18 Japan to promote dialogue regarding human rights in  
19 North Korea.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Director of the  
22 United States Agency for International Development—

23 (1) \$20,000,000 for each of the fiscal years  
24 2003 through 2006 to carry out subsection (a);



1           (2) \$500,000 for each of the fiscal years 2003  
2           through 2006 to carry out subsection (b);

3           (3) \$5,000,000 for each of the fiscal years 2003  
4           through 2006 to carry out subsection (c); and

5           (4) \$2,000,000 for each of the fiscal years 2003  
6           through 2006 carry out subsection (d).

7   **TITLE III—ACTIONS TO PRO-**  
8   **MOTE NORTH KOREAN DE-**  
9   **MOCRACY**

10 **SEC. 301. RADIO BROADCASTING INTO NORTH KOREA.**

11       (a) PURPOSE.—The purpose of this section is to au-  
12 thorize increased support for radio broadcasting to North  
13 Korea by the United States Government and surrogates  
14 that will—

15           (1) eventually provide 24-hour per day broad-  
16 casting to North Korea, including by Radio Free  
17 Asia and Voice of America; and

18           (2) facilitate the unhindered dissemination of  
19 information in North Korea.

20       (b) REPORT ON RADIO BROADCASTING IN NORTH  
21 KOREA.—Not later than 120 days after the date of the  
22 enactment of this Act, the Secretary of State shall submit  
23 to the appropriate congressional committees a report  
24 that—

1           (1) describes how funds that are appropriated  
2           and allocated pursuant to this section will be used  
3           to provide AM and FM broadcasting that—

4                   (A) covers the territory of North Korea;  
5           and

6                   (B) delivers independent and uncensored  
7           programming; and

8           (2) reviews the feasibility of providing 24-hour  
9           per day broadcasting to North Korea.

10 **SEC. 302. DISTRIBUTION OF RADIOS TO NORTH KOREANS.**

11       (a) DISTRIBUTION OF RADIOS.—Not later than 90  
12 days after the date of the enactment of this Act, the  
13 Broadcasting Board of Governors, in consultation and co-  
14 ordination with nongovernmental organizations, shall es-  
15 tablish a program for the distribution of radios in North  
16 Korea.

17       (b) REPORT.—Not later than 1 year after the date  
18 of the enactment of this Act, the Broadcasting Board of  
19 Governors shall report to the appropriate congressional  
20 committees on the distribution of radios by that service  
21 or by any recipients of grants from that service.

22       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated \$11,000,000 in each of  
24 the fiscal years 2003 through 2006 to carry out this sec-  
25 tion.

1 **SEC. 303. SENSE OF CONGRESS REGARDING UNITED**  
2 **STATES FINANCIAL ASSISTANCE DESIGNED**  
3 **TO ADDRESS CONDITIONS CREATED BY THE**  
4 **ECONOMIC AND POLITICAL SYSTEM OF**  
5 **NORTH KOREA.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that—

8 (1) the United States should encourage coun-  
9 tries in the Northeast Asia region, including South  
10 Korea, to participate in the Proliferation Security  
11 Initiative and the Illicit Activities Initiative as a con-  
12 dition for receiving United States financial assist-  
13 ance specifically designed to address conditions cre-  
14 ated by the economic and political system of North  
15 Korea; and

16 (2) any country receiving such assistance shall,  
17 in the 6 months prior to any assistance being pro-  
18 vided, have—

19 (A) taken significant and public actions to  
20 promote human rights in North Korea for the  
21 purpose of assisting the people of North Korea;  
22 and

23 (B) taken significant actions to deny the  
24 North Korean Government and North Korean  
25 officials financial benefits resulting from illegal  
26 activities; and

1           (3) any money or other financial benefit pro-  
2       vided to the North Korean Government or to its offi-  
3       cials or agents by the country receiving such assist-  
4       ance, or by private entities closely associated with  
5       that country if done in cooperation with or with  
6       funds provided by the Government of that country,  
7       shall have a true and legitimate commercial purpose,  
8       or humanitarian aid purpose if such money or other  
9       financial benefit is subject to controls sufficient to  
10      ensure it reaches hungry and needful people, and  
11      may not be a subsidy to the North Korean Govern-  
12      ment or to its officials or agents.

13      (b) ILLEGAL ACTIVITIES OF DIVISION 39.—For pur-  
14      poses of subsection (a), the term “significant actions” in-  
15      cludes actions to limit the activities of Division 39 of the  
16      North Korean Government and any successors or similar  
17      entities, including aggressive criminal and civil prosecution  
18      of individuals and organizations (whether or not such indi-  
19      viduals or organizations are part of the North Korean  
20      Government) that engage in commercial or financial trans-  
21      actions with Division 39 and any successors or similar en-  
22      tities.

1 **SEC. 304. FUNDING FOR ENTITIES THAT PROMOTE DEMOC-**  
2 **RACY, GOOD GOVERNANCE, AND THE RULE**  
3 **OF LAW.**

4 (a) GRANTS AUTHORIZED.—The Director of the  
5 United States Agency for International Development may  
6 make grants to nongovernmental, non-profit human rights  
7 organizations or persons, or foreign governmental organi-  
8 zations for the purpose of promoting and supporting pro-  
9 grams for democracy, good governance, and the rule of  
10 law.

11 (b) TIME OF GRANTS.—A grant provided under this  
12 subsection may not exceed 2 years in duration.

13 (c) REPORTING REQUIREMENTS.—Each entity or  
14 person awarded a grant pursuant to this subsection shall  
15 submit a report to the Director not later than March 1  
16 of each year regarding the activities of, and use of funds  
17 awarded through such grant by, such person or entity dur-  
18 ing the previous year.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
20 authorized to be appropriated to the Director of the  
21 United States Agency for International Development  
22 \$1,000,000 for each of the fiscal years 2003 through 2006  
23 to carry out this section.

1 **SEC. 305. FUNDING FOR ENTITIES THAT PROMOTE MARKET**  
2 **ECONOMIES.**

3 (a) GRANTS AUTHORIZED.—The Director of the  
4 United States Agency for International Development may  
5 make grants to nongovernmental, non-profit human rights  
6 organizations or persons, or foreign governmental organi-  
7 zations that promote market economies modeled after pro-  
8 grams in Vietnam.

9 (b) TIME OF GRANTS.—The grants provided under  
10 this subsection may not exceed 2 years in duration.

11 (c) REPORTING REQUIREMENTS.—Each nongovern-  
12 mental organization awarded a grant pursuant to this sub-  
13 section shall submit an annual report to the Director not  
14 later than March 1 of each year regarding the activities  
15 of, and use of funds awarded through such grant by, such  
16 organization during the previous year.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Director of the  
19 United States Agency for International Development  
20 \$1,000,000 for each of the fiscal years 2003 through 2006  
21 to carry out this section.

22 **TITLE IV—NEGOTIATIONS WITH**  
23 **NORTH KOREA**

24 **SEC. 401. SENSE OF CONGRESS REGARDING NEGOTIATIONS**  
25 **WITH NORTH KOREA.**

26 It is the sense of Congress that—

1           (1) it is proper and useful for the United States  
2           to engage in negotiations with the Government of  
3           North Korea to address issues of concern to coun-  
4           tries in the northeast Asia region and around the  
5           world;

6           (2) South Korea is the country that stands to  
7           benefit most from a free and peaceful reunification,  
8           and the political leadership in South Korea and the  
9           United States should work together to develop a  
10          strategy for increasing public awareness of the com-  
11          mon goal of the 2 countries to achieve a peaceful re-  
12          unification of the Korean peninsula based on demo-  
13          cratic principles;

14          (3) any negotiations between the United States  
15          and North Korea should include discussions—

16                (A) directed toward ending the develop-  
17                ment, sale, and transfer by North Korea of  
18                weapons of mass destruction and related deliv-  
19                ery systems, materials, and technologies;

20                (B) regarding a complete, irreversible, and  
21                verifiable halt to the quest by the Government  
22                of North Korea for nuclear weaponry and a de-  
23                mobilization of North Korea's long-range mis-  
24                sile program and biological and chemical weap-  
25                ons programs; and

1 (C) regarding the establishment of a last-  
2 ing peace between North Korea and South  
3 Korea;

4 (4) any diplomatic solution to the problems  
5 posed by the development of weapons of mass de-  
6 struction, including biological and chemical weapons  
7 programs, the proliferation of arms, and the desta-  
8 bilization of the northeast Asia region by North  
9 Korea should also include protections for human  
10 rights within North Korea; and

11 (5) any negotiations between the United States  
12 and North Korea should include the human rights of  
13 North Korean citizens as a key item in a dialogue  
14 on political freedoms, prison systems, and religious  
15 freedoms.

16 **SEC. 402. SENSE OF CONGRESS REGARDING TRADE SANC-**  
17 **TIONS AND ECONOMIC ASSISTANCE.**

18 It is the sense of Congress that—

19 (1) the United States and North Korea should  
20 engage in trade that will mutually benefit the people  
21 of both nations;

22 (2) the mere lifting of United States sanctions  
23 against North Korea, without fundamental changes  
24 in the North Korean economy, will not lead to mutu-



1       ally beneficial economic relationships between the  
2       United States and North Korea;

3           (3) the United States should provide economic  
4       assistance to North Korea that will benefit the peo-  
5       ple of North Korea, and should avoid merely estab-  
6       lishing North Korea as a permanent recipient of  
7       government-to-government transfer payments;

8           (4) the Government of North Korea should rec-  
9       ognize that the path to economic renewal growth lies  
10      in international markets in goods, services, and cap-  
11      ital, which offer opportunities for reducing costs, im-  
12      proving productivity, and promoting dynamism;

13          (5) the participation in the North Korean econ-  
14      omy of more than 450 small- and medium-sized  
15      businesses from South Korea represents an oppor-  
16      tunity for North Korea to integrate its economy with  
17      the world market, expand trade, and attract foreign  
18      investment and other economic benefits; and

19          (6) trade sanctions related to North Korea  
20      should not be lifted, and economic assistance should  
21      not be provided to North Korea, unless such lifting  
22      of sanctions or provision of economic assistance is  
23      also accompanied by the Government of North  
24      Korea taking monitored steps related to the stand-  
25      ards of the Millennium Challenge Account proposed

1 by the President of the United States on March 14,  
2 2002, including the aggressive prosecution of any  
3 North Koreans engaged in international criminal ac-  
4 tivities such as drug trafficking and counterfeiting.

5 **SEC. 403. CONDITIONS FOR UNITED STATES AID AND**  
6 **OTHER ASSISTANCE.**

7 (a) HUMANITARIAN AID.—No department, agency, or  
8 entity of the United States Government may provide hu-  
9 manitarian aid to any department, agency, or entity of the  
10 Government of North Korea unless such United States  
11 Government department, agency, or entity can document  
12 that every effort has been made to ensure that North  
13 Korea has taken steps and made progress toward ensuring  
14 that—

15 (1) such aid—

16 (A) reaches all the people who are identi-  
17 fied as the intended beneficiaries, irrespective of  
18 any geographic restriction;

19 (B) is not used as a political tool or tool  
20 of human rights coercion; and

21 (C) is provided on a needs basis;

22 (2) the beneficiaries of any such aid are in-  
23 formed of the source of the aid; and

1           (3) the delivery, distribution, and monitoring of  
2           any assistance is carried out in accordance with  
3           internationally recognized standards.

4           (b) NONHUMANITARIAN AID.—No department, agen-  
5           cy, or entity of the United States Government may provide  
6           nonhumanitarian aid to any department, agency, or entity  
7           of the Government of North Korea unless such United  
8           States Government department, agency or entity can doc-  
9           ument that every effort has been made to ensure that  
10          North Korea has taken steps and made progress toward—

11           (1) providing for significant family reunification  
12          between families of Korean descent in the United  
13          States and North Korea;

14           (2) protecting and monitoring basic human  
15          rights, including freedom of religion for its people;

16           (3) disclosing complete and total information  
17          regarding citizens of Japan and South Korea kid-  
18          napped by the Government of North Korea;

19           (4) providing complete and total freedom for  
20          such victims and their families to live in the country  
21          of their choice;

22           (5) achieving significant reform of its prison  
23          and labor camp system and subjects such reform to  
24          monitoring by independent officials; and

1           (6) achieving significant reform with respect to  
 2           the definitions of political crimes and the prosecu-  
 3           tion by the Government of North Korea for alleged  
 4           political crimes.

5           (c) OTHER ASSISTANCE.—It is the sense of Congress  
 6           that the successful implementation of the actions de-  
 7           scribed in subsections (a) and (b) may, in the context of  
 8           more comprehensive negotiations, serve as a basis for the  
 9           United States to—

10           (1) support the opening of an embassy in  
 11           Pyongyang, North Korea; and

12           (2) support the membership of North Korea in  
 13           multilateral development institutions.

## 14           **TITLE V—MISCELLANEOUS** 15           **PROVISIONS**

### 16           **SEC. 501. ANNUAL REPORT.**

17           (a) ANNUAL REPORT.—

18           (1) IN GENERAL.—Not later than 1 year after  
 19           the date of the enactment of this Act, and annually  
 20           thereafter, the Secretary of State and the Secretary  
 21           of Homeland Security shall submit a joint report to  
 22           the appropriate congressional committees on the op-  
 23           eration of this Act during the previous year.

24           (2) CONTENTS.—The report submitted in ac-  
 25           cordance with paragraph (1) shall include—

1 (A) the number of aliens who are natives  
2 or citizens of North Korea and have been grant-  
3 ed humanitarian parole under section 203, and  
4 the immigration status of such aliens before  
5 being granted humanitarian parole;

6 (B) the number of aliens who are natives  
7 or citizens of North Korea and have been grant-  
8 ed an adjustment of status under section 204,  
9 and the immigration status of such aliens be-  
10 fore being granted adjustment of status;

11 (C) the number of aliens who are natives  
12 or citizens of North Korea who were granted  
13 political asylum;

14 (D) the number of aliens who are natives  
15 or citizens of North Korea who were granted  
16 temporary protected status under section 205;

17 (E) the number of aliens who are natives  
18 or citizens of North Korea who applied for ref-  
19 ugee status and the number who were granted  
20 refugee status;

21 (F) the number of orphans who are natives  
22 or citizens of North Korea who have been iden-  
23 tified for adoption by, or are in the process of  
24 being adopted by, United States citizens;

1 (G) a description of the activities of the  
 2 Weapons of Mass Destruction Informant Center  
 3 established under section 207 of this Act; and

4 (H) the activities of the United Nations  
 5 High Commission for Refugees with respect to  
 6 section 210.

7 (b) COMMITTEE REPORT.—Not later than 180 days  
 8 after the date on which the report submitted in accordance  
 9 with subsection (a)(1) is received, the appropriate congres-  
 10 sional committees should report to the House of Rep-  
 11 resentatives or the Senate, as appropriate, on oversight  
 12 findings and proposed legislation that the congressional  
 13 committees consider appropriate.

14 **SEC. 502. TASK FORCE ON NORTH KOREAN CRIMINAL**  
 15 **ACTIVITIES.**

16 (a) ESTABLISHMENT.—The President shall establish  
 17 an Interagency Task Force to Monitor and Combat North  
 18 Korean Criminal Activities (referred to in this section as  
 19 the “Task Force”).

20 (b) MEMBERSHIP.—The Task Force shall be com-  
 21 posed of—

22 (1) 2 senior staff members of the Department  
 23 of Homeland Security appointed by the Secretary;

24 (2) 2 senior staff members of the Department  
 25 of State appointed by the Secretary of State;

1           (3) 2 senior staff members of the Department  
2 of Justice appointed by the Attorney General;

3           (4) 2 senior staff members of the Department  
4 of Defense appointed by the Secretary of Defense;

5           (5) 2 senior staff members of the Department  
6 of Treasury appointed by the Secretary of the Treas-  
7 ury; and

8           (6) 2 senior staff members of the Central Intel-  
9 ligence Agency appointed by the Director of Central  
10 Intelligence.

11       (c) DUTIES.—The Task Force shall coordinate the  
12 monitoring and prosecution of criminal activities in North  
13 Korea, including counterfeiting and trafficking in nar-  
14 cotics, weapons, and persons. The Task Force shall—

15           (1) not later than 180 days after the date of  
16 the enactment of this Act, deliver to the appropriate  
17 congressional committees a plan for denying to the  
18 North Korean regime and North Korean Govern-  
19 ment officials financial benefits from the activities of  
20 Division 39 and any similar or successor entities;

21           (2) coordinate United States agency activities  
22 regarding crimes committed by North Koreans, in-  
23 cluding by officials and entities of the Government  
24 of North Korea; and

1           (3) coordinate United States agency cooperation  
2       with law enforcement, intelligence, and military serv-  
3       ices of foreign countries with respect to crimes com-  
4       mitted by North Koreans.

5       (d) REPORT.—The Task Force shall issue an annual  
6       report to the appropriate congressional committees de-  
7       scribing criminal activities conducted by North Koreans  
8       in the previous year and the response by United States  
9       Government agencies.

○